

**BOARD OF TRUSTEES MINUTES  
MEETING OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF COLD SPRING IN THE COUNTY OF PUTNAM, NEW YORK  
MARCH 11, 2014**

A regular meeting of the Board of Trustees of the Village of Cold Spring, New York, was held at Haldane Central School Music Room, 15 Craigsides Drive, Cold Spring, NY, on March 11, 2014 beginning at 7:30 pm.

There were present: Honorable J. Ralph Falloon, Mayor  
Trustees Bruce Campbell, Matthew Francisco, Stephanie Hawkins and Charles Hustis, III

There were absent: none

Also Present: Michael Liguori, Village Attorney; Ellen Mageean, Village Accountant;  
William Bujarski, Building Inspector, and Mary Saari, Village Clerk

Planning Board chair Molloy and members: K. Dunn, A. Impellizzeri, J. Pergamo and A. Saari

Chuck Voss, Senior Land Use Planner of Barton & Loguidice; Anna Georgiou, Special Counsel to the Planning Board and Village Board for the Butterfield Redevelopment project

Mayor Falloon opened the meeting followed by the Pledge of Allegiance. Planning Board chair Molloy thanked members of the Planning Board, Chuck Voss, Planner and Attorney Anna Georgiou for their commitment to the Butterfield Redevelopment project. Chuck Voss presented the **attached** Planning Board Memorandum entitled, "Recommendations on the Proposed Local Law Amending Village Code Chapter 134 (B4A Medical and Health Care Facility Mixed Use District)". A period of comments and questions from village board members followed.

**Approval of Minutes**

Trustee Hustis moved to approve minutes of the following meetings: 2/11/2014 and 2/18/2014; motion seconded by Trustee Hawkins and unanimously approved.

**Financial Report- Nine Month Budget Analysis**

The nine-month quarterly review shows that the village is under budget by approximately \$7.4K (excluding the Main Street Project).

The revenue side is over budget on the Interest and Penalties on property taxes by about \$5,600 and fines and forfeited bail by about \$9,900.

On the expense side, the Accountant believes that the village will be over budget on the Attorney Contractual and Special by about \$7,600, based on the amount already spent and the monthly retainer paid to Hogan & Rossi. The Unallocated Insurance is under budget by about \$4,000. At this time, the village will not be utilizing the Contingent Account which is \$5,000. The total police budget is over by about \$3.3K. In addition, although the police personal services line is on budget at the end of February, the Village

is currently in contract negotiations with the police and the settlement of the contract may have an impact on this line.

As a result of the cold winter, we have seen overages in all departments related to heating oil. To date we are approximately \$3.5K over budget, I anticipate that this number will be almost \$7.0K over budget by the end of the year.

As a result of all the snow storms this year and the timing of these storms, the village has spent approximately \$24K (including approximately \$7.8K for overtime) on snow removal. If we have no additional snow storms this year, the Accountant anticipates that the salaries for the highway department will be on budget. For the large storm occurring in the middle of February the village hired outside contractors to assist in the removal of snow. These expenses will be covered by the resurfacing budget.

The state retirement for the employees and the police department came in at less than budget, saving the Village about \$8,000. In addition, savings on our workers' compensation premiums amounted to approximately \$3,000.

Construction on the Main Street Project will not begin during this fiscal year. The result of not doing the project this year will be a net benefit to the Village of \$34K, which represents our portion of the expenses related to the project.

#### **RESOLUTION #07-2014**

Moved by: Trustee Hawkins

Seconded by: Trustee Francisco

*Resolved that (1) The Board of Trustees of The Village of Cold Spring hereby approves the following Budget Adjustment(s) for the 2013/2014 fiscal year:*

(1)	To:	A00-1090-000	Interest & Penalties: Real Property Tax	\$3,896.00
	To:	A00-1930-400	Judgments & Claims	\$3,896.00
			<b>To increase the budget for the payment of a claim based on a change in tax assessment</b>	
(2)	To:	A00-3505-000	Multi-Modal (revenue)	\$25,000.00
	To:	A00-8540-440	Strom Drain-Multi-modal Project	\$25,000.00
			<b>To increase the budget for the revenues and expenditures related to the grant for the Multi-Modal project.</b>	
(3)	To:	A00-3120-410	Police: Services and Materials	\$1,560.00
	To:	A00-3120-440	Police: Computer Support	\$900.00
	To:	A00-2610-000	Fines & Forfeited Bail (revenue)	\$990.00
	From:	A00-3120-430	Police: School & Supplies	\$500.00
	From:	A00-3120-462	Police: Clothing Boulanger	\$60.00
	From:	A00-3120-470	Police: Clothing Dirienzo	\$290.00
	From:	A00-3120-471	Police: Clothing Pupeczyk	\$550.00
	From:	A00-3120-475	Parking Enforcement Clothing	\$70.00
			<b>To reallocate the police budget and increase the amount of fines that we anticipate collecting.</b>	

(4)	To:	A00-3410-413	Fire: Diesel	\$1,000.00
	From:	A00-3410-460	Fire: Building Repairs	\$1,000.00
			<b>To reallocate the Fire department budget for addition diesel expenses</b>	
(5)	To::	A00-5110-411	Highway Street Maintenance: Gasoline	\$2,110.00
	To:	A00-5110-413	Highway Street Maintenance: Oil/Service	\$2,738.00
	To:	A00-5142-400	Snow Removal: Contractual	\$7,100.00
	From:	A00-5110-400	Highway Street Maintenance; Resurfacing	\$11,948.00
			<b>To reallocate the highway budget to cover additional costs in snow removal, heating oil and gas for the trucks.</b>	
(6)	To:	A00-5142-100	Snow Removal: Personal Services	\$13,000.00
	To:	A00-8170-100	Street Clean Personal Services	\$1,000.00
	From:	A00-5410-100	Sidewalks: Personal Services	\$6,000.00
	From:	A00-5110-100	Highway Street Maintenance: Personal Services	\$8,000.00
			<b>To reallocate the highway department personal services budget.</b>	

And (2) The Accountant is hereby authorized to transfer such funds immediately.

On roll call vote:

Trustee Stephanie Hawkins voted: YES

Trustee Bruce Campbell voted: YES

Trustee Charles Hustis voted: YES

Trustee Matt Francisco voted: YES

Mayor Ralph Falloon voted: YES

Resolution officially adopted on: March 11, 2014 by a vote of 5-0.

Mary Saari-Village Clerk/Treasurer

### **Report of Water and Waste Water**

Superintendent Phillips presented department monthly reports. In the water report, twenty monitoring pins were set into various locations along the downstream face of the Upper Dam.

In the **attached** wastewater report, Mr. Phillips discussed the proposed projects for the wastewater department including aeration and electrical upgrades to the treatment facility on Fair Street and the Market Street pump station replacement. After discussion on financing and possible grant opportunities, the board considered the following resolutions.

### **RESOLUTION #08-2014** **RESOLUTION ADOPTING NEGATIVE DECLARATION**

WHEREAS, the Village of Cold Spring Village Board  
desires to construct improvements to the existing

Wastewater Treatment Plant to replace 40 year old equipment including: blowers for the treatment system, electrical equipment, an emergency generator and the construction of an above grade structure to house the improvements (hereinafter known as "the Improvements"); and

WHEREAS, the Village Board of Trustees has determined that "the Improvements" are necessary to comply with current codes, to reduce energy consumption and to provide for reliability of operations at the wastewater treatment plant during normal operations and emergency conditions; and

WHEREAS, the Village Board of Trustees has considered and reviewed "the Improvements" as an "action" subject to SEQRA pursuant to 6 NYCRR § 617.2(b); and

WHEREAS, the Village Board of Trustees had determined that "the Improvements" are an Unlisted action; and

WHEREAS, the Village Board of Trustees has caused its consultant to prepare a Short Environmental Assessment Form ("EAF") identifying and analyzing the potential environmental impacts of "the Improvements" and has reviewed and considered the information in that form.

IT IS HEREBY RESOLVED that, pursuant to 6 NYCRR section 617.6(a)(1)(i), the Village Board of Trustees classifies the action as an Unlisted Action; and concludes

that the action shall be subject to an uncoordinated SEQRA review; and

IT IS HEREBY FURTHER RESOLVED that, pursuant to 6 NYCRR sections 617.7(b)(4), and its review of the criteria set forth in Part 2 of the EAF, the Village Board of Trustees concludes that the action shall not have a significant environmental impact.

The foregoing resolution was voted upon with all members voting as follows:

Mayor Falloon                      Yes

Trustee Campbell                Yes

Trustee Francisco               Yes

Trustee Hawkins                Yes

Trustee Hustis                   Yes

Resolution officially adopted on March 11, 2014 by a vote of 5-0.

Mary Saari, Village Clerk

**RESOLUTION #09-2014**  
**RESOLUTION ADOPTING NEGATIVE DECLARATION**

WHEREAS, the Village of Cold Spring Village Board wishes to construct improvements to the existing Wastewater Pumping Station on Market Street involving the complete replacement in Kind of the pump station and controls (hereinafter known as "the Improvements"); and

WHEREAS, the Village Board of Trustees concludes that "the Improvements" to the connection is necessary for continued reliable operation of the pump station; and

WHEREAS, the Village Board of Trustees has considered and reviewed "the Improvements" as an "action" subject to SEQRA pursuant to 6 NYCRR §§ 617.2(b); and

WHEREAS, the Village Board of Trustees concludes that "the Improvements" are a listed Type II action pursuant to 6 NYCRR section 617.5(c)(2)" replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site,..."; and

WHEREAS, "the Improvements" do not exceed any thresholds of Type I actions listed in 6 NYCRR section 617.4 (b); and

WHEREAS, "the Improvements" do not have a significant adverse impact on the environment based on the criteria contained in subdivision 617.7(c).

IT IS HEREBY RESOLVED that, pursuant to 6 NYCRR section 617.6(a)(1)(i), the Village Board of Trustees classifies the action as a Type II action that is exempt from further requirements of 6 NYCRR section 617;

The foregoing resolution was voted upon with all members voting as follows:

Mayor Falloon                      Yes

Trustee Campbell                Yes

Trustee Francisco               Yes

Trustee Hawkins                Yes

Trustee Hustis                   Yes

Resolution officially adopted on March 11, 2014 by a vote  
of 5-0.

DATED: March 11, 2014

#### **RESOLUTION #10-2014**

Trustee Hawkins offered the following resolution and moved its adoption:

**BOND RESOLUTION OF THE VILLAGE OF COLD SPRING, NEW YORK,  
ADOPTED MARCH 11, 2014, AUTHORIZING THE CONSTRUCTION OF  
IMPROVEMENTS TO THE VILLAGE WASTEWATER SYSTEM, STATING THE  
ESTIMATED MAXIMUM COST THEREOF IS \$1,615,000, APPROPRIATING SAID  
AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING BONDS FOR THE  
VILLAGE IN THE PRINCIPAL AMOUNT OF \$1,615,000 TO FINANCE SAID  
APPROPRIATION**

**THE BOARD OF TRUSTEES OF THE VILLAGE OF COLD SPRING,  
IN THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the  
favorable vote of not less than two-thirds of all the members of said Board of Trustees)  
AS FOLLOWS:**

Section 1. The Village of Cold Spring, in the County of Putnam, New  
York (herein called the "Village"), is hereby authorized to construct improvements to the  
Village wastewater system, including improvements to the existing treatment plant and  
replacement of the pumping station located on Market Street. The estimated maximum  
cost thereof, including preliminary costs and costs incidental thereto and the financing

thereof, is \$1,615,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,615,000 bonds of the Village to finance said appropriation, the collection of sewer rates and the levy and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$1,615,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.



(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said

bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Putnam County News and Recorder*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF COLD SPRING, NEW YORK

PLEASE TAKE NOTICE that on March 11, 2014, the Board of Trustees of the Village of Cold Spring, in the County of Putnam, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Cold Spring, New York, adopted March 11, 2014, authorizing the construction of improvements to the Village wastewater system, stating the estimated maximum cost thereof is \$1,615,000, appropriating said amount for such purpose, and authorizing bonds for the Village in the principal amount of \$1,615,000 to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Cold Spring to construct improvements to the Village wastewater system, including improvements to the existing treatment plant and replacement of the pumping station located on Market Street; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,615,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$1,615,000 serial bonds of the Village to finance said appropriation, the collection of sewer rates, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of \$1,615,000 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is forty (40) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: March 11, 2014

Mary Saari

Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

The adoption of the foregoing resolution was seconded by Trustee Charles Hustis, III and duly put to a vote on roll call, which resulted as follows:

AYES: Trustees: Matt Francisco, Stephanie Hawkins, Charles

Hustis, III, Bruce Campbell and Mayor J. Ralph Falloon

NOES: NONE

The resolution was declared adopted.

#### **CODE ENFORCEMENT**

Bill Bujarski presented a monthly report for Code Enforcement during February 2014 which included permits, complaints, violations and referrals.

Further, Mr. Bujarski asked the board to consider a memo containing data about Village Code Enforcement in their discussions on sharing building department services with the Town of Philipstown.

### **JUSTICE COURT**

The Justice Court collected \$9,152.00 during the month of February 2014.

### **ADDITIONAL MONTHLY REPORTS**

Recreation – Trustee Campbell reviewed two applications for use of public facilities as follows:

a) 6/20/2014 Haldane School picnic

B) Pride of the Hudson docking application for various dates

Trustee Hawkins moved to approve these applications and seconded by Trustee Hustis and unanimously approved.

Monthly reports were presented by liaisons for planning, zoning, Philipstown, Chamber of Commerce and Historic District Review Board, Tree Advisory Committee and Putnam County.

### **REPORT OF THE MAYOR AND BOARD OF TRUSTEES**

The design for the main street transportation project is currently being considered by the NYSDOT.

Trustee Hawkins spoke about exploring parking options such as an expanded residential parking district. Mayor Falloon thanked Trustee Hustis for his four years of service and dedication to the village.

### **CORRESPONDENCE**

Donald MacDonald, Village Historian resigned as of March 15, 2014.

**OLD BUSINESS** Review of the B4A zoning amendment was scheduled for April 15, 2014.

### **NEW BUSINESS**

Trustee Hawkins moved to authorize signature on a contract with Putnam County for use of voting machines during the March 18, 2014 election; seconded by Trustee Campbell. On roll call vote all members voted in favor.

### **BILL APPROVAL**

Trustee Campbell moved to approve payment of the audited bills and seconded by Trustee Hustis and unanimously approved.

### **PUBLIC COMMENT**

Attorney Steve Barshov asked for clarification on whether the meeting for consideration of the B4A Zoning was a public hearing.

Trustee Hustis moved to set a public hearing date for consideration of the B4A zoning changes on April 15, 2014 and seconded by Trustee Campbell and unanimously approved.

Donna Anderson submitted a petition (12 pages) from Cold Spring and Philipstown Seniors asking the Village Trustees to pass the B4A zoning.

Trustee Hustis moved to adjourn and seconded by Trustee Francisco and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk